

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 05 2016

UNITED STATES OF AMERICA

§

§

v.

§

§

NO. 1:16-CR-46
BY DEPUTY
(Judge Marcia Crone)

DONALD ROY KELLY (1)

§

DARWIN DEON BARLOW (2)

§

and

§

LEDARRIS LIMBRICK (4)

§

FIRST SUPERSEDING INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 18 U.S.C. § 1791(a)(1)
(Providing a prison inmate with a
prohibited object)

That between on or about, December 1, 2014 and on or about January 3, 2015, the exact date remaining unknown to the Grand Jury, in the Eastern District of Texas, **Donald Roy Kelly** and **Darwin Deon Barlow**, defendants, did, in violation of a statute, or a rule or order issued under a statute, knowingly provide or attempt to provide to an inmate of a federal contract detention facility, a prohibited object, that is, a cellular telephone, namely, one LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764.

In violation of 18 U.S.C. § 1791(a)(1) and 18 U.S.C. § 2.

Count Two

Violation: 18 U.S.C. § 201(b)(2)
(Bribery of a public official)

Between on or about December 1, 2014 and on or about January 3, 2015, in the Eastern District of Texas **Donald Roy Kelly**, defendant, a public official, acting for or on behalf of the United States or any department, agency, or branch of government thereof, in any official function, under or by authority of any such department agency or branch, directly and indirectly did corruptly demand, seek and agree to receive and accept something of value, that is United States currency, from Juan Saenz-Tamez, in return for being induced to do or omit to do any act in violation of the official duty of such official or person, specifically to allow the introduction of and to introduce a prohibited object into a federal contract detention facility in violation of his official duty, that is, to provide Juan Saenz-Tamez, an inmate in the LaSalle federal contract detention facility, a prohibited object specifically, one LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764. And, **Darwin Deon Barlow** and **Ledarris Limbrick**, defendants, aided and abetted, **Donald Roy Kelly** in the commission of this offense.

In violation of 18 U.S.C. 201(b)(2) and 18 U.S.C. § 2.

Count Three

Violation: 18 U.S.C. § 201(b)(2)
(Bribery of a public official)

Between on or about December 1, 2014 and on or about January 3, 2015, in the Eastern District of Texas **Donald Roy Kelly**, defendant, a public official, acting for or on behalf of the United States or any department, agency, or branch of government thereof, in

any official function, under or by authority of any such department agency or branch, directly and indirectly did corruptly demand, seek and agree to receive and accept something of value, that is United States currency, from Juan Saenz-Tamez, in return for being induced to do or omit to do any act in violation of the official duty of such official or person, specifically to make it possible for Juan Saenz-Tamez, an inmate in the LaSalle federal contract detention facility, to escape from federal custody.

In violation of 18 U.S.C. 201(b)(2).

Count Four

Violation: 18 U.S.C. § 1001
(False statement to federal agents)

That on or about May 13, 2015, in the Eastern District of Texas, in a matter within the jurisdiction of the executive branch of the government of the United States, to-wit: the Federal Bureau of Investigation, **Darwin Deon Barlow**, defendant herein, did knowingly and willfully make a materially false, fictitious, and fraudulent statement to the Federal Bureau of Investigation, knowing the same to contain materially false, fictitious, and fraudulent statements, in that the defendant stated that: (a) an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764 was stolen from his car; (b) he purchased an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764 at the request of an unknown Hispanic male and (c) he purchased an LG Mobile cell phone, black in color, bearing serial number 403CYJZ492764 for use by Donald Roy Kelly's "side piece" (girlfriend), knowing those statements were false.

In violation of 18 U.S.C. § 1001.

A TRUE BILL



GRAND JURY FOREPERSON

BRIT FEATHERSTON
ACTING UNITED STATES ATTORNEY



JOHN A. CRAFT
ASSISTANT UNITED STATES ATTORNEY

10/15/16

Date

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	§	
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NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. § 1791(a)(1) (Providing a prison inmate with a prohibited object)

Penalty: Imprisonment for not more than one (1) year, a fine not to exceed \$100,000.00, or both. A term of supervised release of not more than one (1) year;

Special Assessment: \$100.00

Count Two and Count Three

Violation: 18 U.S.C. § 201(b)(2) (Bribery of a public official)

Penalty: Imprisonment for not more than fifteen (15) years, a fine not to exceed \$250,000.00, or three times the monetary equivalent of the thing of value, whichever is greater. A term of supervised release of not more than three (3) years.

Special Assessment: \$100.00

Count Four

Violation: 18 U.S.C. § 1001 (False statement to a federal agent)
Imprisonment for not more than five (5) years, a fine not to exceed \$250,000.00, or both. A term of supervised release of not more than three (3) years.

Special Assessment: \$100.00